

SUMMARY OF THE REJECTION AND RESPONSE TO THE REJECTION

Claims 1-18 Have Been Rejected Under 35 USC 112, first Paragraph

The basis of the rejection is believed to be fairly summarized as follows.

- 1) 1) The specification fails to enable one skilled in the art to which the invention pertains or to which it is most nearly connected to make and/or use the invention.
- 2) Ring substituents a-k is [*sic*, are] not defined thereby rendering the claims [*sic*, claimed} substituted heteroaryl, heterocycle and substituted heterocycle not enabled.

The sole basis for asserting lack of enablement is substantively based on the failure to provide definitions for “substituents a-k.” No other basis for the rejection exists. As this basis is completely in error, the rejection must be withdrawn.

The nomenclature of a-k does not represent substituent groups. That nomenclature and its positioning on the faces of the ring groups is standard and accepted identification of specific ring faces. They do not represent substituent groups.

Please note for example, step 4 in Example 1 on page 24. In that description, faces *b* and *e* are specifically identified. Note also claim 3, last three lines where the *italicized* letters are specifically identified as face names. This terminology does not conflict with the use of non-italicized subscripts representing numbers (as in the definitions of *k* and *n* in claim 4), as the italicizing distinguishes the letters.

The face naming by letters is absolutely standard nomenclature in the chemical arts, as shown, for example, by U.S. Patent No. 5,651,923, Column 2 (of record). The terminology and lettering of faces would be fully understood by one skilled in the art.

The rejection is clearly in error and must be withdrawn.

CONCLUSION

Applicants assume the application is now in proper order and in condition for allowance.

Please direct any inquiries to the undersigned attorney at (952) 832-9090.

Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Letter is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP: amendment, P.O. BOX 1450, Commissioner for Patents, Alexandria, VS 22313-1450 on August 5, 2003.

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Signature